

What is satellite accumulation?

Section 9 VAC 20-60-262.34 of the Virginia Hazardous Waste Management Regulations (VHWMR) addresses proper satellite accumulation. The regulation is designed to allow for longer accumulation of wastes where the generation rate is so slow that a full drum may not be accumulated within 90-days from beginning accumulation, and generators would have to dispose of partially full drums. The regulation specifies that a generator may accumulate wastes "in containers at or near any point of generation where wastes initially accumulate, which is under control of the operator of the process generating the waste." Furthermore, the containers must be marked with the words "Hazardous Waste" or other words that identify the waste, kept closed, be in good condition, and be compatible with the waste. Up to 55-gallons of waste may be accumulated under satellite conditions. The regulations do not allow for a "satellite to satellite" transfer (ref: "where waste initially accumulates"). Therefore, hazardous waste (i.e., any spent material or solid waste qualifying as a hazardous waste) first accumulated in a container under satellite conditions constitutes a satellite accumulation; subsequent transfer to another container would cause that container to be subject to <90-day accumulation standards. Nor may a satellite accumulation container be moved to another satellite accumulation "area"; once moved, it is no longer 'at or near' the point of generation, and becomes subject to <90 day requirements.

It is acceptable for waste from multiple pieces of equipment or processes to be managed in a satellite accumulation area as long as the different pieces of equipment or processes contributing waste are at or near each other and under the control of the operator of the process generating the waste and the operator ensures compatibility of all wastes managed in the container as well as other container management standards (container condition, closed, spills/releases prevented, correct labeling, etc.). Generators are relieved from the weekly inspection and log requirements for satellite container accumulation because of the presumption that the operator will be able to observe the container at the production process area on a daily basis and ensure that the proper conditions are maintained. The regulations specify 55 gallons as a maximum at any satellite location and it appears implicit that multiple container management (i.e., several smaller containers for multiple wastestreams) should not exceed a total of 55 gallons for "one" satellite.

DEQ recognizes that due to the variability of process and plant layout, it is impractical to impose specific spatial limits to define satellite accumulation. Whether or not a particular satellite accumulation container meets the requirements of the regulations must be evaluated on a case-by-case basis. Such evaluation would take into consideration the proximity of the container to the point of generation, within the normal work area of the operator of the process generating the waste and operator accountability for the container. A waste accumulation container maintained immediately outside an enclosed paint booth for safety reasons, or outside a "clean room" production area for quality control purposes could meet the satellite accumulation criteria. Examples of cases that may not meet satellite accumulation criteria are: when the waste accumulation container is of such distance or in such a location that transfer of the waste from the point of generation poses an increased risk of spillage or mismanagement; the waste accumulation container is at a distance from the process generating the waste, or is in such a location that it is not routinely within the control of the operator of the process.

EPA has posted a document at the link below titled "Frequent Questions About Satellite Accumulation Areas" which provides additional information on the subject.

<http://www.epa.gov/osw/hazard/generation/labwaste/memo-saa.htm>

When does the accumulation date begin?

Many generators become subject to enforcement actions because they fail to act in a timely manner and mishandle "unknown" wastes. In accordance with VHWMR Section 9 VAC 20-60-262, anyone who generates a solid waste is required to determine if that waste is a hazardous waste. Large quantity generators (LQG) are allowed to accumulate hazardous waste on-site for less than 90-days without a

permit or interim status (or other generator status category time limits, as applicable). The 90-day accumulation limit is inclusive of time allowed for analysis of the waste. That is, the waste may only be accumulated for 90 days from the time it becomes a solid waste that is subsequently determined to be a regulated hazardous waste. Thus, unknown, abandoned, discarded, or spent materials, or other materials meeting the RCRA definition of a solid waste are subject to regulation within appropriate timeframes, regardless of pending analysis time or failure by the generator to take appropriate action to determine if they are hazardous. A generator may also declare his solid waste to be a hazardous waste based on his knowledge of the process generating the waste or other knowledge which may be used to identify the waste (e.g., it is a known discarded commercial chemical product, or by knowledge derived from MSDS information). The generator must make this declaration and manage the waste within 90 days from when it first becomes defined as a solid waste, not from the time of the hazardous waste declaration.

For satellite accumulation, the accumulation date begins when the container is full. Because the operator of a satellite accumulation container should be familiar with the process generating the waste, and therefore, should know the contents of the container, unknown wastes would not be expected from a satellite accumulation area.

Please note, the contents of this document are provided for informational purposes only, and should not be considered a legal opinion or case decision as defined by the Administrative Process Act, Code of Virginia, Section 2.2-4000 et seq. Generators are encouraged to review the complete hazardous waste regulations and to check with appropriate DEQ staff if they have any questions about regulation applicability to their waste streams.

For the DEQ Regional Offices and applicable contacts, please see the DEQ Web site at: <http://www.deq.virginia.gov/>. Please contact the Hazardous Waste Compliance staff at the applicable Regional Office. Regional Offices are located as follows:

- Blue Ridge Regional Office, Roanoke, VA - 540-562-6700, Lynchburg, VA - 434-582-5120
- Northern Regional Office, Woodbridge, VA - 703-583-3800
- Piedmont Regional Office, Glen Allen, VA - 804-527-5020
- Southwest Regional Office, Abingdon, VA - 276-676-4800
- Tidewater Regional Office, Virginia Beach, VA - 757-518-2000
- Valley Regional Office, Harrisonburg, VA - 540-574-7800

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